

Docket No. 200316559-1

Remarks

This Amendment is responsive to the Office Action of April 3, 2006. Reexamination and reconsideration of claims 1-16 and 18-22 is respectfully requested.

Summary of The Office Action

Claims 18-22 are allowed.

The Office Action on page 5 further states that claims 19-22 are allowed as claims dependent on claim 18. Applicant respectfully points out that claim 22 is an independent claim.

Claims 12, 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 8 were rejected under 35 U.S.C. §112, second paragraph, for purportedly being incomplete for omitting essential structural cooperative relationships of elements.

Claims 1-6, 11, 14-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Smallegan (US 3,968,355).

Claims 9 and 10 were rejected under 35 USC 103(a) as being unpatentable over Smallegan (US 3,968,355).

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35 U.S.C. §112, Second Paragraph, Rejection

Claims 7 and 8 were rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. In particular, page 2 of the Office Action alleges that "These limitations are indefinite, because claims 7 and 8 in cooperation with independent claim 1 do not disclose any structure that shows a light source illuminating a front surface or a back surface of the light modulating device."

Applicant respectfully submits that claims 7 and 8 comply with the requirements of §112, second paragraph, and are definite. Regarding the light source, claim 1 recites that the light hue modulating device "projects a compensating light". Thus, the light hue modulating device serves as a light source, which should satisfy the Examiner's concerns.

Furthermore, a front lit device and a back lit device are different embodiments of the light hue modulating device. Examples can be seen in Figures 1 and 5 of the specification, respectively. Applicant does not believe that a specific structure of these embodiments are needed to make the claim definite. One of ordinary skill in the art would understand what are front-lit and back-lit devices. Claims 7 and 8 recite a definite limitation to claim 1, namely that the device is a front-lit device or a back-lit device. These limitations clearly define the "type" of light hue modulating device and are thus definite. This is analogous to a claim that recites "a car roof being a convertible roof", which is a type of roof and is definite. Applicant respectfully requests that the §112, second paragraph, be withdrawn.

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The Claims Patentably Distinguish Over the References

Independent Claim 1

Claim 1 recites a light apparatus, comprising a sensor that senses hue of an ambient light within a space, and a light hue modulating device that projects a compensating light to adjust the ambient light to a desired hue within the space.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Smallegan (US 3,968,355). Applicant respectfully submits that Smallegan teaches an automatic light that responds to the level (e.g. brightness) of ambient light. The light-sensitive resistive device 23 taught by Smallegan senses the "level" of light and does not sense the hue of the light. For example, Smallegan states:

"...to the ambient light level sensed by device 23."
(Smallegan, col. 2, lines 31-32) (emphasis added).

"The circuit will have a tendency to modulate the light output of lamp 18 with the ambient light level, the lamp being brightest when the room light level is the darkest."
(Smallegan, column 2, lines 35-38) (emphasis added).

One of ordinary skill in the art understands that level/brightness of light is a different characteristic than hue. In fact, nowhere in the disclosure of Smallegan does it even mention hue or color of light. Without a specific teaching that hue is sensed, a device that senses the level of light fails to teach or suggest the claimed sensor that senses hue of an ambient light. Therefore, Smallegan fails to support the §102 rejection and the rejection must be withdrawn.

Additionally, since Smallegan fails to teach or suggest sensing the hue of ambient light, it then follows that Smallegan fails to teach or suggest a light hue modulating device that projects a compensating light to adjust the ambient light to a desired hue as recited in claim 1. Smallegan is not concerned with the hue of light, only the level of brightness. Smallegan, thus, fails to teach or suggest this limitation as well.

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Since claim 1 recites features not taught or suggested by Smallegen, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-13 also patentably distinguish over the reference and are in condition for allowance.

Dependent Claims 7 and 8

Claims 7 and 8 were not rejected based on art. Thus, Applicant believes claims 7 and 8 patentably distinguish over the references of record and are allowable.

Independent Claim 14

Claim 14 recites a method for compensating for hue in ambient light. The method includes determining a compensating hue for a compensating light that compensates for a particular ambient light having an ambient hue and then applying the compensating light to the ambient light to yield a desired total light having a desired hue.

As explained above, Smallegen teaches an automatic light that responds to the level (e.g. brightness) of ambient light by turning on a light. The level of light is a different light characteristic than hue. Smallegen fails to mention anything related to the hue or color of light and thus fails to teach or suggest determining a compensating hue or applying the compensating light to yield a desired total light have a desired hue as recited in claim 14.

Thus, since claim 14 recites features not taught or suggested by the reference, claim 14 patentably distinguishes over the reference. Accordingly, dependent claims 15-16 also patentably distinguish over the reference and are in condition for allowance.

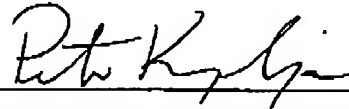
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Conclusion

For the reasons set forth above, claims 1-16 and 18-22 patentably and unobviously distinguish over the references and are in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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